
SENATE BILL NO. 186—SENATORS COPENING, PARKS; AMODEI,
COFFIN, HARDY, LEE, RHOADS AND WOODHOUSE

MARCH 9, 2009

JOINT SPONSORS: ASSEMBLYMEN PIERCE, SEGERBLOM;
GOEDHART, MANENDO AND MASTROLUCA

Referred to Committee on Health and Education

SUMMARY—Provides for the issuance of permits for the operation of motor vehicle tire recycling centers. (BDR 40-739)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to solid waste management; providing for the issuance of permits for the operation of motor vehicle tire recycling centers; authorizing the imposition of fees for such permits; prohibiting the disposal of motor vehicle tires other than at a motor vehicle tire recycling center except under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 4** of this bill provides for the establishment of a program for the
2 recycling of motor vehicle tires, including, without limitation, the issuance of
3 permits to operate motor vehicle tire recycling centers and the imposition of fees
4 for the permits. **Section 5** of this bill prohibits a person from operating a motor
5 vehicle tire recycling center unless the operator holds a permit to operate the center
6 and complies with the terms and conditions of the permit. A person who operates a
7 tire recycling center in violation of the provisions of **section 5** is guilty of a
8 misdemeanor and, in addition, is subject to civil penalties and injunctive relief.
9 (NRS 444.600)

10 Existing law prohibits the disposal of used or waste motor vehicle tires other
11 than disposal at a site, landfill or incinerator which has been issued a permit by the
12 Division of Environmental Protection of the State Department of Conservation and
13 Natural Resources or a district board of health. (NRS 444.583) **Section 6** of this bill
14 prohibits the disposal of motor vehicle tires at any site other than a motor vehicle



15 tire recycling center that has been issued a permit for the purpose of receiving,
16 storing, processing and recycling motor vehicle tires. **Section 6** applies only to
17 persons who are located within 50 miles of a motor vehicle tire recycling center. A
18 person who violates **section 6** is guilty of a misdemeanor punishable by a fine of
19 not less than \$100 per violation and is also subject to civil penalties and injunctive
20 relief. (NRS 444.600, 444.635)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 439.200 is hereby amended to read as follows:
2 439.200 1. The State Board of Health may by affirmative
3 vote of a majority of its members adopt, amend and enforce
4 reasonable regulations consistent with law:
5 (a) To define and control dangerous communicable diseases.
6 (b) To prevent and control nuisances.
7 (c) To regulate sanitation and sanitary practices in the interests
8 of the public health.
9 (d) To provide for the sanitary protection of water and food
10 supplies.
11 (e) To govern and define the powers and duties of local boards
12 of health and health officers, except with respect to the provisions of
13 NRS 444.440 to 444.620, inclusive, *and sections 3 to 6, inclusive,*
14 *of this act*, 444.650, 445A.170 to 445A.955, inclusive, and chapter
15 445B of NRS.
16 (f) To protect and promote the public health generally.
17 (g) To carry out all other purposes of this chapter.
18 2. Except as otherwise provided in NRS 444.650, those
19 regulations have the effect of law and supersede all local ordinances
20 and regulations inconsistent therewith, except those local ordinances
21 and regulations which are more stringent than the regulations
22 provided for in this section.
23 3. The State Board of Health may grant a variance from the
24 requirements of a regulation if it finds that:
25 (a) Strict application of that regulation would result in
26 exceptional and undue hardship to the person requesting the
27 variance; and
28 (b) The variance, if granted, would not:
29 (1) Cause substantial detriment to the public welfare; or
30 (2) Impair substantially the purpose of that regulation.
31 4. Each regulation adopted by the State Board of Health must
32 be published immediately after adoption and issued in pamphlet
33 form for distribution to local health officers and the residents of the
34 State.



1 **Sec. 2.** Chapter 444 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 3 to 6, inclusive, of this
3 act.

4 **Sec. 3.** *“Motor vehicle tire recycling center” means an*
5 *approved site for receiving, storing, processing and recycling*
6 *motor vehicle tires which has been issued a permit for that*
7 *purpose by the solid waste management authority.*

8 **Sec. 4. 1.** *The State Environmental Commission and the*
9 *district board of health of a health district created pursuant to*
10 *NRS 439.362 or 439.370 shall, in a timely manner, adopt all*
11 *regulations that are necessary to establish and carry out a*
12 *program for the recycling of motor vehicle tires, including,*
13 *without limitation, the issuing of permits for the operation of*
14 *motor vehicle tire recycling centers and the imposition of fees for*
15 *the permits.*

16 2. *The regulations adopted by a district board of health*
17 *pursuant to this section must not conflict with regulations adopted*
18 *by the State Environmental Commission.*

19 **Sec. 5. 1.** *A person shall not operate a motor vehicle tire*
20 *recycling center unless the operator:*

21 (a) *Holds a permit to operate the motor vehicle tire recycling*
22 *center issued by the solid waste management authority in*
23 *accordance with the regulations adopted pursuant to section 4 of*
24 *this act; and*

25 (b) *Complies with the terms and conditions of the permit.*

26 2. *A person who violates the provisions of subsection 1 is*
27 *guilty of a misdemeanor.*

28 3. *Each day or part of a day during which the violation is*
29 *continued or repeated constitutes a separate offense.*

30 4. *Except as otherwise provided in NRS 445C.010 to*
31 *445C.120, inclusive:*

32 (a) *A person convicted of violating subsection 1 is, in addition*
33 *to any criminal penalty imposed, liable for a civil penalty upon*
34 *each such conviction; and*

35 (b) *A court before whom a defendant is convicted of a*
36 *violation of subsection 1 shall, for each violation, order the*
37 *defendant to pay a civil penalty of at least \$500 but not more than*
38 *\$5,000.*

39 **Sec. 6. 1.** *Except as otherwise provided in subsection 2, a*
40 *person shall not dispose of a motor vehicle tire at any site other*
41 *than a motor vehicle tire recycling center.*

42 2. *The provisions of subsection 1 do not apply to a person*
43 *who is located more than 50 miles from a motor vehicle tire*
44 *recycling center.*



1 **3. A person who violates the provisions of this section is**
2 **guilty of a misdemeanor and, except as otherwise provided in NRS**
3 **445C.010 to 445C.120, inclusive, shall be punished by a fine of not**
4 **less than \$100 per violation.**

5 **Sec. 7.** NRS 444.450 is hereby amended to read as follows:

6 444.450 As used in NRS 444.440 to 444.620, inclusive, **and**
7 **sections 3 to 6, inclusive, of this act**, unless the context otherwise
8 requires, the words and terms defined in NRS 444.460 to 444.500,
9 inclusive, **and section 3 of this act** have the meanings ascribed to
10 them in those sections.

11 **Sec. 8.** NRS 444.495 is hereby amended to read as follows:

12 444.495 “Solid waste management authority” means:

13 1. The district board of health in any area in which a health
14 district has been created pursuant to NRS 439.362 or 439.370 and in
15 any area over which the board has authority pursuant to an interlocal
16 agreement, if the board has adopted all regulations that are
17 necessary to carry out the provisions of NRS 444.440 to 444.620,
18 inclusive **[,]**, **and sections 3 to 6, inclusive, of this act.**

19 2. In all other areas of the State, the Division of Environmental
20 Protection of the State Department of Conservation and Natural
21 Resources.

22 **Sec. 9.** NRS 444.570 is hereby amended to read as follows:

23 444.570 1. The State Department of Conservation and
24 Natural Resources shall:

25 (a) Advise, consult and cooperate with other agencies and
26 commissions of the State, other states, the Federal Government,
27 municipalities and persons in the formulation of plans for and the
28 establishment of any solid waste management system.

29 (b) Accept and administer loans and grants from any person that
30 may be available for the planning, construction and operation of
31 solid waste management systems.

32 (c) Enforce the provisions of NRS 444.440 to 444.560,
33 inclusive, **and sections 3 to 6, inclusive, of this act**, and any
34 regulation adopted by the State Environmental Commission
35 pursuant thereto.

36 (d) Periodically review the programs of other solid waste
37 management authorities in the State for issuing permits pursuant to
38 NRS 444.553 and 444.556 **and section 4 of this act** and ensuring
39 compliance with the terms and conditions of such permits, the
40 regulations of the State Environmental Commission, the laws of this
41 State and the provisions of the Resource Conservation and Recovery
42 Act of 1976, 42 U.S.C. §§ 6941 et seq., and the regulations adopted
43 pursuant thereto. The Director of the State Department of
44 Conservation and Natural Resources shall review the adequacy of
45 such programs in accordance with the standards adopted by the



1 United States Environmental Protection Agency to review the
2 adequacy of the state program. If the Director determines that a
3 program is inadequate, the Department shall act as the solid waste
4 management authority until the deficiency is corrected. A finding by
5 the Director that a program is inadequate is not final until reviewed
6 by the State Environmental Commission. This paragraph does not
7 limit the authority or responsibility of a district board of health to
8 issue permits for disposal sites and enforce the laws of this State
9 regarding solid waste management systems.

10 (e) Make such investigations and inspections and conduct such
11 monitoring and testing as may be necessary to require compliance
12 with NRS 444.450 to 444.560, inclusive, *and sections 3 to 6,*
13 *inclusive, of this act* and any regulation adopted by the State
14 Environmental Commission.

15 2. The State Environmental Commission shall:

16 (a) In cooperation with governing bodies of municipalities,
17 develop a statewide solid waste management system plan, and
18 review and revise the plan every 5 years.

19 (b) Examine and approve or disapprove plans for solid waste
20 management systems.

21 (c) Review any determination by the Director of the State
22 Department of Conservation and Natural Resources that a program
23 for issuing permits administered by a solid waste management
24 authority is inadequate. The Commission may affirm, modify or
25 reverse the findings of the Director.

26 3. Employees of the State Department of Conservation and
27 Natural Resources or its authorized representatives may, during the
28 normal hours of operation of a facility subject to the provisions of
29 NRS 444.440 to 444.620, inclusive, *and sections 3 to 6, inclusive,*
30 *of this act* enter and inspect areas of the facility where:

31 (a) Solid waste may have been generated, stored, transported,
32 treated or disposed; or

33 (b) Records are kept, and may inspect and copy any records,
34 reports, information or test results relating to the management of the
35 solid waste.

36 **Sec. 10.** NRS 444.580 is hereby amended to read as follows:

37 444.580 1. Any district board of health created pursuant to
38 NRS 439.362 or 439.370 and any governing body of a municipality
39 may adopt standards and regulations for the location, design,
40 construction, operation and maintenance of solid waste disposal
41 sites and solid waste management systems or any part thereof more
42 restrictive than those adopted by the State Environmental
43 Commission, and any district board of health may issue permits
44 thereunder.



1 2. Any district board of health created pursuant to NRS
2 439.362 or 439.370 may adopt such other regulations as are
3 necessary to carry out the provisions of NRS 444.440 to 444.620,
4 inclusive **[]**, *and sections 3 to 6, inclusive, of this act*. Such
5 regulations must not conflict with regulations adopted by the State
6 Environmental Commission.

7 **Sec. 11.** NRS 444.583 is hereby amended to read as follows:

8 444.583 1. Except as otherwise provided in subsection 5 **[]**
9 *and section 6 of this act*, it is unlawful willfully to:

10 (a) Dispose of, abandon or dump a motor vehicle battery, motor
11 vehicle tire or motor oil at any site which has not been issued a
12 permit for that purpose by the solid waste management authority;

13 (b) Dispose of, abandon or dump a motor vehicle battery, motor
14 vehicle tire or motor oil at a sanitary landfill or other disposal site
15 established by a municipality which has not been issued a permit for
16 that purpose by the solid waste management authority; or

17 (c) Incinerate a motor vehicle battery or motor vehicle tire as a
18 means of ultimate disposal, unless the incineration is approved by
19 the solid waste management authority for the recovery of energy or
20 other appropriate use.

21 2. A person who violates the provisions of subsection 1 is
22 guilty of a misdemeanor and except as otherwise provided in NRS
23 445C.010 to 445C.120, inclusive, shall be punished by a fine of not
24 less than \$100 per violation.

25 3. The State Department of Conservation and Natural
26 Resources shall establish a plan for the appropriate disposal of used
27 or waste motor vehicle batteries, motor vehicle tires and motor oil.
28 The plan must include the issuance of permits to approved sites or
29 facilities for the disposal of those items by the public. The plan may
30 include education of the public regarding the necessity of disposing
31 of these items properly and recycling them.

32 4. The State Department of Conservation and Natural
33 Resources shall encourage the voluntary establishment of authorized
34 sites which are open to the public for the deposit of used or waste
35 motor vehicle batteries, motor vehicle tires and motor oil.

36 5. The provisions of subsections 1 and 2 do not apply to the
37 disposal of used or waste motor vehicle batteries or motor vehicle
38 tires if the unavailability of a site that has been issued a permit by
39 the solid waste management authority makes disposal at such a site
40 impracticable. The provisions of this subsection do not exempt a
41 person from any other regulation of the solid waste management
42 authority concerning the disposal of used or waste motor vehicle
43 batteries or motor vehicle tires.



1 **Sec. 12.** NRS 444.592 is hereby amended to read as follows:

2 444.592 If the solid waste management authority receives
3 information that the handling, storage, recycling, transportation,
4 treatment or disposal of any solid waste presents or may present a
5 threat to human health, public safety or the environment, or is in
6 violation of a term or condition of a permit issued pursuant to NRS
7 444.553 or 444.556, *or section 4 of this act*, a statute, a regulation
8 or an order issued pursuant to NRS 444.594, the authority may, in
9 addition to any other remedy provided in NRS 444.440 to 444.620,
10 inclusive **[H]**, *and sections 3 to 6, inclusive, of this act*:

11 1. Issue an order directing the owner or operator of the disposal
12 site or any other site where the handling, storage, recycling,
13 transportation, treatment or disposal has occurred or may occur, or
14 any other person who has custody of the solid waste, to take such
15 steps as are necessary to prevent the act or eliminate the practice
16 which constitutes the threat or violation.

17 2. Commence an action in a court of competent jurisdiction to
18 enjoin the act or practice which constitutes the threat or violation in
19 accordance with the provisions of NRS 444.600.

20 3. Take any other action designed to reduce or eliminate the
21 threat or violation.

22 **Sec. 13.** NRS 444.594 is hereby amended to read as follows:

23 444.594 1. An order issued by a solid waste management
24 authority must:

25 (a) Specify the term or condition of a permit issued pursuant to
26 NRS 444.553 or 444.556, *or section 4 of this act*, or the statute or
27 regulation, which is alleged to have been violated or which is about
28 to be violated, or the threat to human health, public safety or the
29 environment;

30 (b) Set forth the facts alleged to constitute the violation or
31 threat; and

32 (c) Prescribe any corrective action which must be taken and a
33 reasonable time within which it must be taken.

34 2. The order may require the person to whom the order is
35 directed to appear before the solid waste management authority, its
36 authorized representative **[H]** or a hearing officer appointed by the
37 authority, to show cause why an action should not be commenced
38 against the person in a court of competent jurisdiction requesting
39 appropriate relief.

40 **Sec. 14.** NRS 444.596 is hereby amended to read as follows:

41 444.596 The solid waste management authority may bring an
42 action in a court of competent jurisdiction to recover from a person
43 or municipality which violates any statute or regulation, any term or
44 condition of a permit issued pursuant to NRS 444.553 or 444.556,
45 *or section 4 of this act*, or any order issued pursuant to



1 NRS 444.592, a civil penalty of not more than \$5,000 for each day
2 on which the violation occurs. This penalty is in addition to any
3 other penalty provided in NRS 444.440 to 444.620, inclusive **[H]**,
4 *and sections 3 to 6, inclusive, of this act.*

5 **Sec. 15.** NRS 444.598 is hereby amended to read as follows:

6 444.598 The solid waste management authority may bring an
7 action in a court of competent jurisdiction to recover actual damages
8 which result from a violation of a statute or regulation, any term or
9 condition of a permit issued pursuant to NRS 444.553 or 444.556,
10 *or section 4 of this act*, or any order issued pursuant to NRS
11 444.592. The damages may include expenses incurred by the
12 authority in testing for and removing, correcting or terminating any
13 adverse effects which resulted from the violation and costs and
14 attorney's fees, including those incurred in administrative
15 proceedings. This remedy is in addition to any other remedy
16 provided in NRS 444.440 to 444.620, inclusive **[H]**, *and sections 3*
17 *to 6, inclusive, of this act.*

18 **Sec. 16.** NRS 444.600 is hereby amended to read as follows:

19 444.600 In addition to any other remedies provided in NRS
20 444.450 to 444.590, inclusive, *and sections 3 to 6, inclusive, of this*
21 *act*, the State Department of Conservation and Natural Resources or
22 a solid waste management authority may bring an action in a court
23 of competent jurisdiction to enjoin a violation of NRS 444.450 to
24 444.560, inclusive, *and sections 3 to 6, inclusive, of this act*, any
25 term or condition of a permit issued pursuant to NRS 444.553 or
26 444.556, *or section 4 of this act*, any order issued pursuant to NRS
27 444.592, or any regulation adopted by the State Environmental
28 Commission or solid waste management authority.

29 **Sec. 17.** NRS 444.605 is hereby amended to read as follows:

30 444.605 1. In carrying out the provisions of NRS 444.440 to
31 444.620, inclusive, *and sections 3 to 6, inclusive, of this act*, the
32 State Environmental Commission, a district board of health of a
33 health district created pursuant to NRS 439.362 or 439.370, and a
34 solid waste management authority may by subpoena require the
35 attendance and testimony of witnesses and the production of reports,
36 papers, documents and other evidence which they deem necessary.

37 2. If any person to whom a subpoena has been directed
38 pursuant to subsection 1 refuses to attend, testify or produce any
39 evidence specified in the subpoena, the person who issued the
40 subpoena may present a petition, to a court of competent jurisdiction
41 where the person to whom the subpoena was directed is subject to
42 service of process, setting forth that:

43 (a) Notice has been given of the time and place at which the
44 person was required to attend, testify or produce evidence;



1 (b) A subpoena has been mailed to or personally served on the
2 witness or custodian of the evidence in sufficient time to enable him
3 to comply with its provisions; and

4 (c) The person has failed or refused to attend, answer questions
5 or produce evidence specified in the subpoena,

6 and asking that the court issue an order compelling the person to
7 attend and to testify or produce the evidence specified in the
8 subpoena.

9 3. When a court receives a petition pursuant to subsection 2, it
10 shall order the person to whom the subpoena was directed to appear
11 at a time and place fixed by the court in its order, which must be not
12 more than 10 days after the date of the order, and show cause why
13 he should not be held in contempt. A certified copy of the order
14 must be mailed to or personally served on the person to whom the
15 subpoena was directed.

16 4. If it appears to the court that the subpoena was properly
17 issued and that the person's failure or refusal to appear, answer
18 questions or produce evidence was without sufficient reason, the
19 court shall order the person to appear at a time and place fixed by
20 the court and to testify or produce the specified evidence. If the
21 person fails to comply with the order of the court, he may be
22 punished as for a contempt of court.

23 **Sec. 18.** NRS 444.629 is hereby amended to read as follows:

24 444.629 1. The solid waste management authority in each
25 county whose population is 400,000 or more may establish a
26 program for the control of unlawful dumping and administer the
27 program within its jurisdiction unless superseded.

28 2. The program established pursuant to subsection 1 must:

29 (a) Include standards and procedures for the control of unlawful
30 dumping which are equivalent to or stricter than those established
31 by statute or state regulation; and

32 (b) Provide for adequate administration and enforcement.

33 3. In a county whose population is 400,000 or more, the solid
34 waste management authority may delegate to an independent
35 hearing officer or hearing board the authority to determine
36 violations and levy administrative penalties for violations of the
37 provisions of NRS 444.440 to 444.645, inclusive, *and sections 3 to*
38 *6, inclusive, of this act* or any regulation adopted pursuant to those
39 sections.

40 **Sec. 19.** NRS 444.635 is hereby amended to read as follows:

41 444.635 1. Except as otherwise provided in NRS 445C.010
42 to 445C.120, inclusive, a person convicted of violating NRS
43 444.555 and, in addition to the penalty imposed pursuant to NRS
44 444.583 or 444.630, *or section 6 of this act*, any person convicted of



1 violating NRS 444.583 or 444.630 *or section 6 of this act* is liable
2 for a civil penalty upon each such conviction.

3 2. Except as otherwise provided in NRS 445C.010 to
4 445C.120, inclusive, a court before whom a defendant is convicted
5 of a violation of the provisions of NRS 444.555, 444.583 or
6 444.630, *or section 6 of this act*, shall order the defendant:

7 (a) For a first offense, to pay a civil penalty which is at least
8 \$500 but not more than \$5,000.

9 (b) For a second offense, to pay a civil penalty which is at least
10 \$1,000 but not more than \$5,500.

11 (c) For a third offense, to pay a civil penalty which is at least
12 \$1,500 but not more than \$6,000.

13 (d) For any subsequent offense, to pay a civil penalty which is at
14 least \$500 more than the most recent previous civil penalty that the
15 defendant was ordered to pay pursuant to this subsection.

16 3. If so provided by the court, a penalty imposed pursuant to
17 this section may be paid in installments.

18 4. The solid waste management authority may attempt to
19 collect all such penalties and installments which are in default in any
20 manner provided by law for the enforcement of a judgment.

21 5. Each court which receives money pursuant to the provisions
22 of this section shall forthwith remit the money to the Division of
23 Environmental Protection of the State Department of Conservation
24 and Natural Resources or, if the health authority initiated the action,
25 the district health department which shall deposit the money with
26 the State Treasurer for credit in a separate account in the State
27 General Fund or with the county treasurer for deposit in an account
28 for the district health department, as the case may be. Money so
29 deposited must be:

30 (a) Used only to pay:

31 (1) Rewards pursuant to NRS 444.640;

32 (2) For education regarding the unlawful disposal of solid
33 waste;

34 (3) For the cleaning up of dump sites; and

35 (4) For the management of solid waste; and

36 (b) Paid as other claims against the State or local governments
37 are paid.

38 **Sec. 20.** NRS 444A.020 is hereby amended to read as follows:

39 444A.020 1. The State Environmental Commission shall
40 adopt regulations establishing minimum standards for:

41 (a) Separating at the source recyclable material from other solid
42 waste originating from residential premises and public buildings
43 where services for the collection of solid waste are provided.

44 (b) Establishing recycling centers for the collection and disposal
45 of recyclable material.



1 (c) The disposal of hazardous household products which are
2 capable of causing harmful physical effects if inhaled, absorbed or
3 ingested.

4 2. The regulations adopted pursuant to subsection 1 must be
5 adopted with the goal of recycling at least 25 percent of the total
6 solid waste generated within a municipality after the second full
7 year following the adoption of such standards.

8 3. The State Environmental Commission shall, by regulation,
9 establish acceptable methods for disposing of used or waste tires ~~§~~
10 *consistent with the provisions of sections 4, 5 and 6 of this act.*

11 **Sec. 21.** NRS 445C.030 is hereby amended to read as follows:

12 445C.030 "Environmental requirement" means a requirement
13 contained in NRS 444.440 to 444.645, inclusive, *and sections 3 to*
14 *6, inclusive, of this act*, 445A.300 to 445A.730, inclusive, 445B.100
15 to 445B.640, inclusive, 459.400 to 459.600, inclusive, 459.700 to
16 459.856, inclusive, or 519A.010 to 519A.280, inclusive, or in a
17 regulation adopted pursuant to any of those sections.

18 **Sec. 22.** NRS 445C.060 is hereby amended to read as follows:

19 445C.060 "Regulatory agency" means:

20 1. The State Environmental Commission;

21 2. The State Department of Conservation and Natural
22 Resources or the Division of Environmental Protection of that
23 Department;

24 3. A district board of health acting as a solid waste
25 management authority pursuant to NRS 444.440 to 444.620,
26 inclusive ~~§~~, *and sections 3 to 6, inclusive, of this act*; or

27 4. A district board of health, county board of health or board of
28 county commissioners administering a program for the control of air
29 pollution pursuant to paragraph (a) of subsection 1 of
30 NRS 445B.500.

31 **Sec. 23.** This act becomes effective upon passage and approval
32 for the purpose of adopting regulations, and on October 1, 2009, for
33 all other purposes.

